

## **IC 16-28-7**

### **Chapter 7. Monitors**

#### **IC 16-28-7-1**

##### **Placement of monitors**

Sec. 1. The director may issue an order under IC 4-21.5 to place a monitor in a health facility if:

- (1) the health facility is operating without a license;
- (2) the existing license of a health facility has been revoked or not renewed;
- (3) the:
  - (A) director has initiated revocation procedures or has placed the health facility on a probationary license; and
  - (B) director has determined that the health, safety, security, rights, or welfare of the patients cannot be adequately assured during the pendency of such procedures or during the term of a probationary license; or
- (4) the health facility is closing or plans to close and adequate arrangements for relocation of the patients have not been made at least thirty (30) days before the date of closure.

*As added by P.L.2-1993, SEC.11.*

#### **IC 16-28-7-2**

##### **Appealability of orders**

Sec. 2. An order issued under section 1 of this chapter may be appealed under IC 4-21.5.

*As added by P.L.2-1993, SEC.11.*

#### **IC 16-28-7-3**

##### **Licensing and duties of monitors who are not state employees**

Sec. 3. A monitor who is not a state employee and who is placed in a health facility under this chapter:

- (1) must be licensed under IC 25-19-1;
- (2) shall serve as a consultant to the administrator concerning the operation of the health facility; and
- (3) shall submit a written report to the director on the operation of the health facility and the status and condition of the patients.

*As added by P.L.2-1993, SEC.11. Amended by P.L.179-1993, SEC.11.*

#### **IC 16-28-7-4**

##### **Placement costs for monitors who are not state employees**

Sec. 4. (a) A health facility shall pay the costs of placing a monitor who is not a state employee in the health facility under this chapter unless it is determined by a final order under IC 4-21.5 that the placement of the monitor was not needed. The state shall reimburse the costs if it is determined the monitor is unneeded.

(b) If the state department has reason to believe that the health

facility is not financially able to pay the cost of a monitor in the health facility and the health facility and office of Medicaid policy and planning verify the health facility's insolvency, the state department may authorize money from fines paid under this article to be used to pay the costs of placing a monitor who is not a state employee in the health facility.

*As added by P.L.2-1993, SEC.11. Amended by P.L.179-1993, SEC.12; P.L.218-1999, SEC.1.*

#### **IC 16-28-7-4.3**

##### **Placement costs, licensing, and duties of monitors who are state employees**

Sec. 4.3. The costs of placing a monitor in a health facility under this chapter shall be paid by the state if the monitor is a state employee. A state employee who is placed in a health facility as a monitor:

- (1) is not required to be licensed under IC 25-19-1;
- (2) does not serve as a consultant to the administrator of the health facility; and
- (3) must report to the director on the operation of the health facility and the status and condition of the patients.

*As added by P.L.179-1993, SEC.13.*

#### **IC 16-28-7-5**

##### **Confidentiality**

Sec. 5. Except as required by sections 3 and 4.3 of this chapter, the monitor shall observe the strict confidentiality of the operating policies, procedures, employment practices, financial information, and all similar business information of the health facility. An individual who violates this section:

- (1) commits a Class A misdemeanor; and
- (2) is prohibited from serving as a monitor under this chapter for five (5) years.

*As added by P.L.2-1993, SEC.11. Amended by P.L.179-1993, SEC.14.*